

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TONY D. THOMPSON,
Plaintiff

vs.

MEDICAL COLLEGE OF GEORGIA,
et al.,
Defendants

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NO. 5:12-cv-376 (MTT)

ORDER

Pro se Plaintiff **TONY D. THOMPSON**, GDC # 964768, has filed a motion to proceed *in forma pauperis* on appeal (Doc. 16) from the Court's October 3, 2012 Order (Doc. 11) dismissing Plaintiff's complaint without prejudice pursuant to 28 U.S.C. § 1915(g). The Order of dismissal was based upon Plaintiff's having more than three prisoner actions dismissed as frivolous by federal courts¹ and his failing to allege that he was in imminent danger of serious physical injury as a result of medical care at Georgia Diagnostic and Classification Prison ("GD&CP").²

In the Court's best judgment, an appeal from the aforesaid Order cannot be taken in good faith. 28 U.S.C. § 1915(a)(3). As discussed in the Order, the facts

¹ See *Thompson v. Georgia Medical College, et al.*, 6:03-cv-67-BAE-JEG (S.D. Ga. Sept. 17, 2003) (complaint and appeal); *Thompson v. Smith*, 6:03-cv-61-BAE-JEG (S.D. Ga. July 9, 2003) (complaint); and *Thompson v. D'Alesandro, Jr., et al.*, 4:00-cv-232-WTM (S.D. Ga. Nov. 7, 2000) (complaint and appeal).

² Plaintiff stated in a letter to the Court (Doc. 7) that he was transferred from GD&CP on September 16, 2012, which is date of Plaintiff's complaint. Although the transfer may suggest that Plaintiff was not in imminent when he filed his complaint, the Court did not rely upon this fact in reaching its decision.

alleged in Plaintiff's complaint do not support a finding of imminent danger. Thus, there is no basis for allowing Plaintiff to proceed *in forma pauperis* on appeal in this case.

Having been carefully considered, Plaintiff's motion to proceed *in forma pauperis* on appeal is hereby **DENIED**. If Plaintiff wishes to proceed with his appeal, he must prepay the entire \$455 appellate filing fee.

SO ORDERED, this 1st day of November, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

clr